

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF OKLAHOMA

DOMINIQUE TABB,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-11-433-JHP-SPS
	)	
CLAUDE JONES, ET AL.,	)	
	)	
Defendant.	)	

**DEFENDANTS' OBJECTION TO PLAINTIFF'S MOTION FOR LEAVE TO  
AMEND**

Defendants hereby object to Plaintiff's Motion for Leave to Amend his complaint. Plaintiff sets forth only two substantive grounds to amend: first, that "an amendment is necessary to supplement pertinent information into the case at bar, and" second, that he wishes to "separate each defendant into their individual capacity consistent with their distinct involvement in the complaint [sic] [.]". Defendants would submit that the original complaint goes into sufficient detail with respect to the facts of the case, such that supplementation is not necessary. Furthermore, with respect to the Plaintiff's claim that he needs to set forth both individual and official capacity claims, Defendants would simply point out to the Court that their responsive pleading (Doc. 24) assumes that the Defendants have been sued in both their individual and official capacities, and addresses both claims.

Because Plaintiff's Proposed Amended Complaint involves no substantive change of his claims against Defendants, and would therefore be superfluous, Defendants object.

Wherefore, based on the above, Defendants urge that Plaintiff's Motion to Amend his complaint be denied.

Respectfully submitted,

s/ Timothy M. Melton  
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ATTORNEY FOR DEFENDANT  
CLAUDE JONES, ET AL.

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2012, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing.

I further certify that on the same date, I served the attached document by U.S. first class mail, postage prepaid, on the following, who is not a registered participant of the ECF System:

CCA Davis Correctional Center  
Dominique Tabb #495135  
6888 East 133<sup>rd</sup> Road  
Holdenville, OK 74848-9033

s/ Timothy M. Melton  
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Timothy M. Melton